

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICK LARSEN, individually and on behalf of all others similarly situated,

Plaintiff,

No. 3:18-cv-05275-TMC

V.

PRETRIAL ORDER

PTT, LLC (d/b/a HIGH 5 GAMES, LLC), a Delaware limited liability company, and HIGH 5 ENTERTAINMENT, LLC, a New Jersey limited liability company,

Defendants.

JURISDICTION

Jurisdiction is vested in this court by virtue of 28 U.S.C. § 1332(d)(2) because (a) at least one member of the class is a citizen of a state different from Defendants, (b) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and (c) none of the exceptions under that subsection apply to this action.

CLAIMS AND DEFENSES

Plaintiff will pursue at trial the following claims: (1) violation of Washington’s Recovery of Money Lost at Gambling Act (“RMLGA”), RCW § 4.24.070; and (2) violations of Washington’s Consumer Protection Act (“CPA”), RCW § 19.86.010 *et seq.*

With respect to Plaintiff's request for treble damages under the CPA, which is a legal issue for the court and should be decided separately from the issues presented to the jury, High 5 Games, LLC ("High 5"), plans to present the defense that its violation of the RMLGA (and thus

1 the CPA) occurred in good faith under a reasonable belief that it was not improper. *See, e.g.*,
 2 *Young v. Whidbey Island Bd. of Realtors*, 638 P.2d 1235, 1239–40 (Wash. 1982).

3 **ADMITTED FACTS**

4 The following facts are admitted by the parties:

5 1. Defendant High 5 Games, LLC (“High 5”) develops and licenses software used in
 6 physical gambling machines which are operated in casinos and in online gaming.

7 2. High 5 also developed social casino game applications.

8 3. High 5’s social casino game applications were called High 5 Casino and High 5
 9 Vegas.

10 4. The Court has found that the virtual coins in High 5’s social casino game
 11 applications are “things of value” because they extend “the privilege of playing the game.”

12 5. Plaintiff Larsen represents a class of persons who purchased virtual coins while in
 13 Washington while playing High 5 social casino game applications from April 6, 2014 through
 14 September 30, 2022.

15 **ISSUES OF LAW**

16 The following are the issues of law to be determined by the court: (*List 1, 2, 3, etc., and*
 17 *state each issue of law involved. A simple statement of the ultimate issue to be decided by the*
 18 *court, such as “Is the plaintiff entitled to recover?” will not be accepted.) If the parties cannot*
 19 *agree on the issues of law, separate statements may be given in the pretrial order.*

20 The Court has already granted Plaintiff’s motion for summary judgment as to liability,
 21 finding that High 5 violated the Recovery of Money Lost in Gambling Act (“RMLGA”) and
 22 Consumer Protection Act (“CPA”). *See generally* Dkt. #408. Therefore, the sole issue remaining
 23 for trial is damages.¹ The Court previously certified a damages class, which is comprised of
 24

25 ¹ Although the Court also previously certified an Injunctive Class, it has recently determined that Plaintiff failed to present any evidence or argument establishing that faced a “sufficiently imminent and substantial” risk of future harm from High 5’s products as of the date he sought to represent the class. *See* Dkt. #514 at 17. Because Plaintiff therefore lacks standing to seek

“[a]ll individuals in Washington who purchased virtual casino chips on either High 5 Casino or High 5 Vegas after April 9, 2014.” Dkt. #170 at 16. The Court recently concluded that Plaintiff Larsen does not have standing to pursue direct claims against High 5 Entertainment, LLC and thus bifurcated Plaintiff’s alter ego and Uniform Voidable Transactions Act claims from the upcoming damages trial. Dkts. ##514–15. Given this ruling, the only damages at issue for the upcoming jury trial are those incurred while High 5 was still operating the social casino games—*i.e.*, until September 30, 2022.

The Damages Class members are entitled to the amount of aggregate damages suffered by the Damages Class and proved by Plaintiff during trial. The Court has already concluded that for the CPA and RMLGA claims: (1) the aggregate damages should be measured by the cumulative value of coins purchased by the Damages Class, and (2) the individual allocations can be handled after trial through a claims procedure after the aggregate amount is proved. Dkt. #408 at 19–20.

Accordingly, the sole remaining issue for trier of fact to determine at the upcoming trial is:

1. Determination of the aggregate value of virtual coins purchased by the Damages Class.

The remaining legal issues for the Court are:

1. Whether Plaintiff and the Class are entitled to an increase in the award of damages, to an amount not more than three times the actual damages sustained, under the Washington CPA?²

Finally, on December 12, 2024, the Court granted Plaintiff leave to amend to add claims and allegations pertaining to High 5 Entertainment LLC's alter ego liability for pre-October 1,

injunctive relief, injunctive relief is no longer on the table. *See id.* (denying Plaintiff's motion for permanent injunction).

² High 5 intends to file a trial brief explaining that, if Plaintiff proves “actual damages”—a precursor to treble damages under the CPA—this issue should be decided in post-trial proceedings.

1 2022, transactions and a cause of action against Defendants High 5 Games LLC and High 5
 2 Entertainment LLC under the Uniform Voidable Transactions Act. Although issues of law and
 3 fact remain to be determined as to such claims, they have been bifurcated from the issues
 4 outlined above and their resolution stayed until after the upcoming damages trial.

5 **EXPERT WITNESSES**

6 None.

7 **OTHER WITNESSES**

8 The names and addresses of witnesses, other than experts, to be used by each party at the
 9 time of trial and the general nature of the testimony of each are:

10 **(a) On behalf of Plaintiff:**

11 1. Rick Larsen
 12 c/o Tousley Brain Stephens, PLLC
 13 1200 5th Avenue, Suite 1700
 14 Seattle, WA 98101

15 Mr. Larsen may be called to testify concerning the details regarding his purchase of
 16 virtual chips from Defendant for use in High 5's online casino games.

17 2. Shawn Davis
 18 c/o Tousley Brain Stephens, PLLC
 19 1200 5th Avenue, Suite 1700
 20 Seattle, WA 98101

21 Mr. Davis will testify concerning his knowledge of the summaries and calculations he
 22 prepared on the data provided by the non-party platforms and High 5, including: (i) the number
 23 of virtual chip purchase transactions reflected in the data, (ii) the number of unique purchasers
 24 reflected in the data, (iii) the total revenue minus any refunds reflected in the data, and (iv)
 25 spending group breakdowns reflected in the data.

26 3. Custodian of records for non-party Apple, Inc., including Robin Goldberg or another
 27 custodian of records for Apple, Inc.

28 Such custodian may be called to authenticate and provide a foundation for the admission
 29 of documents produced by non-party Apple, Inc. at trial.

1 4. Custodian of records for non-party Google LLC, including Jordan Zuccarello or
2 another custodian of records for Google LLC.

3 Such custodian may be called to authenticate and provide a foundation for the admission
4 of documents produced by non-party Google LLC at trial.

5 5. Custodian of records for non-party Meta Platforms, Inc., including Matt Daley or
6 another custodian of records for Meta Platforms, Inc.

7 Such custodian may be called to authenticate and provide a foundation for the admission
8 of documents produced by non-party Meta Platforms, Inc. at trial.

9 6. Custodian of records for non-party Amazon.com, Inc., including Theresa Nixon or
10 another custodian of records for Amazon.com, Inc.

11 Such custodian may be called to authenticate and provide a foundation for the admission
12 of documents produced by non-party Amazon.com, Inc. at trial.

13 7. Anthony Singer
14 c/o Holland & Hart, LLP
15 555 17th Street, Ste 3200
16 Denver, CO 80202

17 Mr. Singer may be called to testify regarding High 5's operations and practices, the dollar
18 value of virtual chips High 5 sold to Plaintiff and Class members, and the dollar value of virtual
19 chips that Plaintiff and Class members lost playing at High 5's online casino. Mr. Singer may
20 also be called to testify by deposition.

21 8. Gino Fratto
22 c/o Holland & Hart, LLP
23 555 17th Street, Ste 3200
24 Denver, CO 80202

25 Mr. Fratto may be called to testify regarding High 5's operations and practices, the dollar
26 value of virtual chips High 5 sold to Plaintiff and Class members, and the dollar value of virtual
27 chips that Plaintiff and Class members lost playing at High 5's online casino. Mr. Fratto may
28 also be called to testify by deposition.

29 9. Karl Tangara
30 c/o Holland & Hart, LLP
31 555 17th Street, Ste 3200
32 Denver, CO 80202

1 Mr. Tangara may be called to testify regarding High 5's operations and practices, the
 2 dollar value of virtual chips High 5 sold to Plaintiff and Class members, and the dollar value of
 3 virtual chips that Plaintiff and Class members lost playing at High 5's online casino. Mr. Tangara
 4 may also be called to testify by deposition.

5 10. Deanna Ishikawa
 6 c/o Holland & Hart, LLP
 7 555 17th Street, Ste 3200
 8 Denver, CO 80202

9 Mr. Ishikawa may be called to testify regarding High 5's operations and practices, the
 10 dollar value of virtual chips High 5 sold to Plaintiff and Class members, and the dollar value of
 11 virtual chips that Plaintiff and Class members lost playing at High 5's online casino. Ms.
 12 Ishikawa may also be called to testify by deposition.

13 11. Any witness designated by Defendant High 5 Games, LLC
 14 c/o Holland & Hart, LLP
 15 555 17th Street, Ste 3200
 16 Denver, CO 80202

17 Plaintiff and the Class reserve the right to call any witness identified, designated, and/or
 18 called by Defendant High 5 Games, LLC on any subject on which they have been designated,
 19 disclosed, and previously testified by deposition.

20 **(b) On behalf of Defendant High 5 Games, LLC: (follow same format).**

21 *(As to each witness, expert or others, indicate "will testify," or "possible witness only." Also
 22 indicate which witnesses, if any, will testify by deposition. Rebuttal witnesses, the necessity of
 23 whose testimony cannot reasonably be anticipated before trial, need not be named.)*

24 1. Rick Larson
 25 c/o Tousley Brain Stephens, PLLC
 1200 5th Avenue, Suite 1700
 Seattle, WA 98101
 Possible witness only

Mr. Larson may be called to testify concerning his social casino game habits, his virtual
 coin purchases, and other issues related to his play on High 5 Casino and other social casino
 apps.

1 2. Sean Wilson
2 c/o Tousley Brain Stephens, PLLC
3 1200 5th Avenue, Suite 1700
4 Seattle, WA 98101
5 Possible witness only

6 Mr. Wilson may be called to testify by live testimony or deposition concerning his social
7 casino game habits, his virtual coin purchases, and other issues related to his play on High 5
8 Casino and other social casino apps, all as included in Defendant's deposition designations for
9 Mr. Wilson.

10 3. Anthony Singer
11 c/o Holland & Hart LLP
12 555 17th Street, Ste, 3200
13 Denver, CO 80202

14 Mr. Singer will be called to testify concerning High 5's formation, its operations and
15 practices, the differences between High 5's real money gaming operations and its social casino
16 apps, High 5's attempts to make its social casino apps unavailable in the State of Washington,
17 High 5's revenue and inability to track revenue received from play in any geographic area
18 including the State of Washington, and all other aspects of the case.

19 4. Gino Fratto
20 c/o Holland & Hart LLP
21 555 17th Street, Ste, 3200
22 Denver, CO 80202
23 Possible witness only

24 Mr. Fratto may be called to testify concerning High 5's operations and practices, its
25 content development, its business model, and the High 5 Casino and High 5 Vegas player
experience.

26 4. Chris Armes
27 c/o Holland & Hart LLP
28 555 17th Street, Ste, 3200
29 Denver, CO 80202
30 Possible witness only

1 Mr. Armes may be called to testify to explain High 5's internal revenue tracking
 2 procedures, its attempts to utilize IP-address-based geolocation, and the shortfalls of the
 3 technology.

4 *(As to each witness, expert or others, indicate "will testify," or "possible witness only." Also
 5 indicate which witnesses, if any, will testify by deposition. Rebuttal witnesses, the necessity of
 6 whose testimony cannot reasonably be anticipated before trial, need not be named.)*

7 **EXHIBITS**

8 Identify each exhibit with a number, which becomes the number for the exhibit at the trial
 9 and appears on the exhibit tag with the following information in table format:

Plaintiff's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
1	Data produced by Apple Inc. [APL-WILSON_00220265]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
2	Data produced by Apple Inc. [APL-WILSON_00220267]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
3	Data produced by Apple Inc. [APL-WILSON_00220268]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
4	Data produced by Apple Inc. [APL-WILSON_00220269]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
5	Data produced by Google Inc. [GOOGLE-LARSEN_000001]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
6	Data produced by Meta Platforms, Inc. [META-LARSEN_000001]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	

1	7	Data produced by Meta Platforms, Inc. [META-LARSEN_000005]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
2	8	Data produced by Amazon [AMAZON-LARSEN_000001]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
3	9	Data produced by Amazon [AMAZON-LARSEN_000002]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
4	10	Data produced by Amazon [AMAZON-LARSEN_000005]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
5	11	Data produced by Amazon [AMAZON-LARSEN_000006]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
6	12	1/19/2024 Declaration of Shawn Davis [Dkt. 278]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
7	13	5/24/2024 Third Supplemental Declaration of Shawn Davis [Dkt. 437-12]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
8	14	Transaction data [HIGH5_000036]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803	
9	15	Transaction data [HIGH5_000037]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803	
10	16	1/19/2024 Declaration of Records Custodian for Amazon [Dkt. 277-21]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
11	17	1/19/2024 Declaration of	Disputed	Disputed	E, F, MIL; FRE 403, 602,	

1	Records Custodian for Apple [Dkt. 275-8]			801, 803, 901, 1006	
2					
3	18 1/19/2024 Declaration of Records Custodian for Google [Dkt. 277-15]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
4					
5					
6	19 1/19/2024 Declaration of Records Custodian for Meta [Dkt. 275-10]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
7					
8					
9					
10	20 4/24/2024 Second Declaration of Records Custodian for Amazon	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
11					
12					
13	21 7/25/2024 Supplemental Declaration of Records Custodian for Meta [Dkt. 437-11]	Disputed	Disputed	E, F, MIL; FRE 403, 602, 801, 803, 901, 1006	
14					
15					
16	22 iPad containing copy of Social Casino game, lodged with the Court on 7.27.2020. [Dkt. 437-11]	Disputed	Disputed	FRCP 26	
17					
18					
19					
20	23 12/18/2013 Email chain between Gino Fratto, Elaine Ogden, Anurag Sharma and others re: Unable to block player from coin store [HIGH5_00001718-HIGH5_001719]	Stipulated	Disputed	E, F, MIL FRE 401, 403, 701, 702, 801, 803, 805	
21					
22					
23					
24	24 04/16/2014 Email chain between Patrick Benson, Anthony Singer,	Stipulated	Disputed	FRE 401, 403	
25					

1	2	3	4	5	Deanna Ishikawa, and others re: Targeting Slotomania Monetizers (1 attachment) [HIGH5_00145089– HIGH5_145096]	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	

1	Dolphins, & Whales Information [HIGH5_02671276 -HIGH5_02671276]				
2	29 01/08/2016 Email chain between Patrick Benson, Brian Nakamura, Deanna Ishikawa, and Karina Avellaneda re: Android [HIGH5_02671306 -HIGH5_02671307]	Stipulated	Disputed	F, MIL FRE 401, 403, 801, 803	
3	30 01/08/2016 Compilation of User Profiles [HIGH5_02671869 -HIGH5_02671873]	Stipulated	Disputed	FRE 401, 403, 801, 803	
4	31 02/18/2016 Draft Agenda for High 5 Games Executive Team Summit on February 22 and 23 [HIGH5_03871507 -HIGH5_03871511]	Stipulated	Disputed	FRE 401, 403	
5	32 03/28/2016 Club High 5 Proposal [HIGH5_00002202- HIGH5_002214]	Stipulated	Disputed	FRE 401, 403	
6	33 05/11/2016 Email chain between Brian Noto, Anthony Singer, and Graham Fuchs re: eCommerce Market Convergence in Action: Social Casinos and Real Money Gambling [HIGH5_00002033- HIGH5_002034]	Stipulated	Disputed	FRE 401, 403, 801, 803	

1	34	08/31/2016 Email chain between Deanna Ishikawa, Ivan Rankenburg and Deanna Ishikawa re: Whale report [HIGH5_02672429 –HIGH5_02672430]	Stipulated	Disputed	MIL, FRE 401, 403	
2	35	09/29/2016 Email from Ivan Rankenburg to Patrick Benson, and copying Deanna Ishikawa re: Whale report [HIGH5_02671771 –HIGH5_02671772]	Stipulated	Disputed	MIL, FRE 401, 403	
3	36	12/20/2016 Email chain between Ivan Rankenburg, Patrick Benson, Oleg Simonov, and others re: High 5 Vegas Coin Store [HIGH5_02539397 –HIGH5_02539403]	Stipulated	Disputed	FRE 401, 403	
4	37	01/19/2017 Zendesk message from Customer requesting closure of account due to gambling addiction [HIGH5_03245025 –HIGH5_03245026]	Stipulated	Disputed	E, F, MIL, FRE 401, 403, 701, 702, 801, 803, 805	
5	38	02/03/2017 Email from Mariya Padalk to Carolina Ocampo, Cathering Conde, Gino Fratto and others re: Campaign Brain Storms (Meeting Minutes 2/3/17)	Stipulated	Disputed	MIL, FRE 401, 403	

1		[HIGH5_02540416 -HIGH5_02540417]			
2	39	02/08/2017 Email chain between Patrick Benson, Carolina Ocampo and others re: RevOps Update for Review (2 attachments) [HIGH5_00144197 -HIGH5_144202]	Stipulated	Disputed	FRE 401, 403
3	40	02/08/2017 Email chain between Gian- Mical Gallerani, Patrick Benson, Mariya Padalk, and Deanna Ishikawa re: RevOps Status 001 [HIGH5_02671379 -HIGH5_02671380]	Stipulated	Disputed	FRE 401, 403
4	41	02/08/2017 Email from Patrick Benson to Mariya Padalko, Gian-Mical Gallerani and Carolina Ocampo, and copying Deanna Ishikawa and Lori Poalillo re: RevOps Update for Review (1 attachment) [HIGH5_02870046 -HIGH5_02870049]	Stipulated	Disputed	FRE 401, 403
5	42	02/16/2017 Task email from Carolina Ocampo to Deanna Ishikawa re: [JIRA] {REVOPS-246} Engagements: \$10 package gift for 30D+ state monets/60D+ stale monet whales	Stipulated	Disputed	MIL, FRE 401, 403
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1	[HIGH5_02671441 -HIGH5_02671442]				
2	43 02/22/2017 Task email from Christopher Bate (Jira) to Danna Ishikawa re: [JIRA] {REVOPS-246} Engagement: \$10 package gift for 30D+ state montes/60D+ stale monet whales [HIGH5_02671438 -HIGH5_02671438]	Stipulated	Disputed	MIL, FRE 401, 403	
10	44 02/24/2017 Email from Louis Costantini to Catherine Conde, and Gian-Mical Gallerani, copying Karina Avellaneda re: Email Apprval for Today [HIGH5_02665592 -HIGH5_02665595]	Stipulated	Disputed	MIL, FRE 401, 403	
17	45 03/30/2017 Email chain between Anthony Singer and Patrick Benson, and copying Deanna Ishikawa re: Tournament Winners [HIGH5_02671377 -HIGH5_02671378]	Stipulated	Disputed	MIL, FRE 401, 403	
23	46 07/19/2017 Email chain between Brian Noto, Susan Stein, Anthony Singer, and others re: High 5 Strategy - Director's Meeting	Stipulated	Disputed	FRE 401, 403, 801, 803, 805	

1		[HIGH5_00002437– HIGH5_002440]			
2	47	09/25/2017 Email chain between Patrick Benson, Anthony Singer and others re: A Couple of Follow Ups [HIGH5_00142342– HIGH5_142344]	Stipulated	Disputed	FRE 401, 403
3	48	03/22/2018 High5 Games RevOps Social Casino Report [HIGH5_00029192 –HIGH5_029214]	Stipulated	Disputed	FRE 401, 403
4	49	07/27/2018 Email from Laura Pai to Deanna Ishikawa, and copying Lindsay Choy re: Stale Whale Monetizers (Gift Effort) (2 attachments) [HIGH5_02668713 –HIGH5_02668725]	Stipulated	Disputed	MIL, FRE 401, 403
5	50	10/17/2018 Email chain between Patrick Benson, Gino Fratto, and others re: Social Monetization [HIGH5_02673839 –HIGH5_02673841]	Stipulated	Disputed	MIL, FRE 401, 403
6	51	11/08/2018 High 5 Casino B2C Annual Operational Plan 2019 [HIGH5_03178064 –HIGH5_03178086]	Stipulated	Disputed	FRE 401, 403
7	52	03/06/2019 Memo re: Responsible Gambling	Stipulated	Disputed	FRE 401, 403

1	[HIGH5_03864507– HIGH5_03864510]				
2	53	07/26/2019 Task Email from Christopher Bate (Jira) to Samanth Wood re: [JIRA] {DM-2428} Pull User ID and Monetization for canvas users with a 10K spend or higher that have not logged into H5C since 7/23/19 [HIGH5_02665116 –HIGH5_02665116]	Stipulated	Disputed	F, MIL, FRE 401, 403
3	54	08/08/2019 Email from Gino Fratto to Brian Nakamura, Kelli Trogani, Janine Cotter, Brian Abrams and others re: B2C Revenue Workshop Tableau Charts [HIGH5_02539642 –HIGH5_02539643]	Stipulated	Disputed	MIL, FRE 401, 403
4	55	08/08/2019 Email from Gino Fratto to Brian Nakamura, Kelli Trogani, Janine Cotter, Brian Abrams and others re: B2C Weekly Revenue Workshop Tableau Charts [HIGH5_02540328 –HIGH5_02540328]	Stipulated	Disputed	MIL, FRE 401, 403
5	56	08/22/2019 Email from Samantha Wood to Laura Pai and Deanna Ishikawa re: Whale Device Replacement	Stipulated	Disputed	F, MIL, FRE 401, 403

1	Activity (1 attachment [HIGH5_02671568 -HIGH5_02671571]				
2	57 09/03/2019 Email chain between David Evans, Samantha Wood, Gino Fratto and others re: Whales who received Device Replacement [HIGH5_02539604 -HIGH5_02539607]	Stipulated	Disputed	MIL, FRE 401, 403, 801, 803, 805	
3	58 09/10/2019 Email from Laura Pai to Deanna Ishikawa re: tableau chart [HIGH5_02672195 -HIGH5_02672195]	Stipulated	Disputed	F, MIL, FRE 401, 403	
4	59 09/01/2020 Email by Laura Pai re: Social Whale Projects [HIGH5_02668273 -HIGH5_02668273]	Stipulated	Disputed	F, MIL, FRE 401, 403	
5	60 09/06/2020 Zendesk message from Customer requesting closure of account due to gambling addiction [HIGH5_02917351 -HIGH5_02917351]	Stipulated	Disputed	E, F, MIL, FRE 401, 403, 701, 702, 801, 803, 805	
6	61 10/02/2020 Task Email from Laura Pai (Jira) to Timothy Markowicz re: [JIRA] Updates for DM-3287: Whale List to Send High Min Bet Exclusive Game [HIGH5_02668599 -HIGH5_02668600]	Stipulated	Disputed	F, MIL, FRE 401, 403	

1	62	10/12/2020 Email chain between Diego Rainis and Laura Pai re: Whales - inactive (1 attachment) [HIGH5_02668299 -HIGH5_02668303]	Stipulated	Disputed	F, MIL, FRE 401, 403	
2	63	10/12/2020 Email from Yana Tsyganova to Laura Pai, and copying Diego Rainis re: Whales - inactive [HIGH5_02668921 -HIGH5_02668921]	Stipulated	Disputed	F, MIL, FRE 401, 403	
3	64	10/16/2020 Email chain between Laura Pai, Timothy Markowicz, and Diego Rainis re: Whale Campaign: Serve Exclusive Game [HIGH5_02668935 -HIGH5_02668944]	Stipulated	Disputed	F, MIL, FRE 401, 403	
4	65	10/26/2020 Task Email from Caitlin O'Malley to Timothy Markowicz re [JIR]{} Updates for DM-3338: List: Serve Games to Whale Monetizers [HIGH5_02667328 -HIGH5_02667329]	Stipulated	Disputed	F, MIL, FRE 401, 403	
5	66	10/28/2020 Email from Caitlin O'Malley to Samantha Wood and Denise Castillo, and copying Laura Pai re: High Roller Serve Games to Whale Monetizers Promotion	Stipulated	Disputed	F, MIL, FRE 401, 403	

1	[HIGH5_03124026–HIGH5_03124027]				
2	67 12/03/2020 Task Email from Caitlin O'Malley to Adam Steele re [JIRA] Updates for DM-3414: List: Serve Games to Whale Monetizers 12/00 [HIGH5_01477847–HIGH5_01477848]	Stipulated	Disputed	F, MIL, FRE 401, 403	
3	68 12/22/2021 Email from Nicholas Chin to Anthony Singer, Carl Hallam, Husniye Temocin, and Joe Centineo re: Reward access / Whale boosted spins - 11/22 1045 am [HIGH5_02670337–HIGH5_02670337]	Stipulated	Disputed	MIL, FRE 401, 403	
4	69 03/08/2023 Chat between Alina Shymanska, Dmytro Skilarov re: disabling customer's ability to buy credits due to gambling addiction [HIGH5_03387037–HIGH5_03387038]	Stipulated	Disputed	F, MIL, FRE 401, 403, 801, 803, 805	
5	70 08/11/2023 Chat between Naigell Beckford, Claudia V (Lila), and Lisa Husniye re: customer's request for a refund because of gambling addiction [HIGH5_03388486–HIGH5_03388500]	Stipulated	Disputed	E, F, MIL, FRE 401, 403, 701, 702, 801, 803, 805	

1	71	11/05/2023 Chat between Husniye Lisa, Diego Raini, and Anthony Singer re: removal of limit [HIGH5_03379830 -HIGH5_03379834]	Stipulated	Disputed	FRE 401, 403	
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Defendant's Exhibits					
Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
500	Washington State Gambling Commission Guidance to Online Social Gaming	Disputed	Disputed	FRE 401, 402, 702, 801, 802, F,	
501	High 5 Games, LLC and Subsidiary Consolidated Financial Statements December 31, 2014 and 2013 [HIGH5_04012146-HIGH5_04012167]	Stipulated	Stipulated		
502	High 5 Games, LLC and Subsidiary Consolidated Financial Statements December 31, 2015 and 2014 [HIGH5_00936725-HIGH5_00936745]	Stipulated	Stipulated		
503	High 5 Games, LLC and Subsidiary Consolidated Financial Statements December 31, 2016 and 2015 [HIGH5_00936746-HIGH5_00936764]	Stipulated	Stipulated		
504	High 5 Games, LLC and Subsidiary Consolidated Financial Statements December 31, 2017 and 2016	Stipulated	Stipulated		

1	[HIGH5_00936765-HIGH5_00936784]				
2	505 4/17/2018 Washington State Gambling Commission Article - "Director's statement regarding Ninth Circuit Court of Appeals' published decision in Kater v. Churchill Downs"	Disputed	Disputed	FRE 401, 402, 702, 801, 802, F, E	
3	506 High 5 Games, LLC and Subsidiaries Consolidated Financial Statements December 31, 2018 and 2017 [HIGH5_00936785-HIGH5_00936804]	Stipulated	Stipulated		
4	507 8/25/2019 - 8/26/2019 Payment confirmations to High 5 Casino Real Slots [LARSEN_000002]	Stipulated	Stipulated		
5	508 10/23/2019 Sean Wilson Tweet	Disputed	Disputed	FRE 401, 402, 403, 801, 802	
6	509 11/1/2019 Sean Wilson Tweet	Disputed	Disputed	FRE 401, 402, 403, 801, 802	
7	510 High 5 Games, LLC and Subsidiaries Consolidated Financial Statements December 31, 2019 and 2018 [HIGH5_00936805-HIGH5_00936824]	Stipulated	Stipulated		
8	511 High 5 Games, LLC and Subsidiaries Consolidated Financial Statements for December 31, 2020 and 2019	Stipulated	Stipulated		
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1	[HIGH5_00936825 – HIGH5_00936844]				
2	512 8/21/2022 Zendesk Ticket #438816 re “I don’t live in Washington” [HIGH5_151152 – HIGH5_151154]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
3	513 10/3/2022 Zendesk Ticket #440508 re “Why can’t I play some games” [HIGH5_151378- HIGH5_151379]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	514 10/21/2022 Zendesk Ticket #441009 re “Unable to make purchases” [HIGH5_151233 – HIGH5_151235]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	515 11/3/2022 Zendesk Ticket #441294 re “Unable to make purchases” [HIGH5_151261]	Disputed	Disputed	FRE 401, 402, 801, 802	
6	516 11/10/2022 Zendesk Ticket #441584 re “not able to log in” [HIGH5_151240- HIGH5_151242]	Disputed	Disputed	FRE 401, 402, 801, 802	
7	517 11/13/2022 Zendesk Ticket #441799 re “Live in Oregon” [HIGH5_151224 – HIGH5_151225]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	518 11/15/2022 Zendesk Ticket #441941 re “Oregon” [HIGH5_151630 – HIGH5_151631]	Disputed	Disputed	FRE 401, 402, 801, 802, F	

1	519	11/15/2022 Zendesk Ticket #441918 re "Playing games" [HIGH5_151633]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
2	520	11/20/2022 Zendesk Ticket #442140 re "Can't sign in" [HIGH5_151390]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
3	521	11/20/2022 Zendesk Ticket #442150 re "High five casino disabled in my region?" [HIGH5_151579]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	522	11/25/2022 Zendesk Ticket #442381 re "No access to High 5 casino" [HIGH5_151609- HIGH5_151610]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	523	12/2/2022 Zendesk Ticket #442635 re "high 5 game" [HIGH5_151264]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
6	524	12/15/2022 Zendesk Ticket #442986 re "Some problems" [HIGH5_151355 – HIGH5_151356]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
7	525	12/16/2022 Zendesk Ticket #443031 re "Not allowed to play after 12 years of playing." [HIGH5_151591 – HIGH5_151592]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	526	12/21/2022 Zendesk Ticket #443157 re "Cannot Access High 5"	Disputed	Disputed	FRE 401, 402, 801, 802, F	

1	[HIGH5_151269 – HIGH5_151270]				
2	527 High 5 Games, LLC and Subsidiaries Consolidated Financial Statements December 31, 2022 and 2021 [HIGH5_00936541 – HIGH5_00936560]	Stipulated	Stipulated		
3	528 1/11/2023 Zendesk Ticket #443727 re “Not available in my area” [HIGH5_151246]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	529 1/15/2023 Zendesk Ticket #443834 re “High five sasino disabled in my region?” [HIGH5_151643 – HIGH5_151644]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	530 1/19/2023 Zendesk Ticket #443979 re “Can’t login to your game” [HIGH5_151375]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
6	531 2/11/2023 Zendesk Ticket #444847 re “I am unable to login to High 5 Casino” [HIGH5_151369 – HIGH5_151370]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
7	532 4/16/2023 Zendesk Ticket #461283 re “Washington state” [HIGH5_04010905]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	533 4/17/2023 Zendesk Ticket #461743 re “game will not load on pc and phone”	Disputed	Disputed	FRE 401, 402, 801, 802, F	

1	[HIGH5_151491]				
2	534 4/23/2023 Zendesk Ticket #464993 re "Sign up" [HIGH5_151223]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
3	535 5/5/2023 Zendesk Ticket #468828 re "Locked" [HIGH5_151272]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	536 5/6/2023 Zendesk Ticket #469467 re "Shut out" [HIGH5_151244]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	537 5/27/2023 Zendesk Ticket #477784 re "Your game states I cannot play due to region" [HIGH5_151619]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
6	538 6/7/2023 Zendesk Ticket #481345 re "Purchasing" [HIGH5_151357 – HIGH5_151369]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
7	539 6/16/2023 Zendesk Ticket #484255 re "Can't play" [HIGH5_151255]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	540 6/20/2023 Zendesk Ticket #485373 re "GC an SC unavailable after I went into Washington st." [HIGH5_151647]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
9	541 7/19/2023 High 5 Games email to rickll53@yahoo.com re "Wow 3 BILLION	Stipulated	Disputed	FRE 401, 402, 801, 802, F	
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1	Surprise Gift Coins For You!" [LARSEN_000236 – LARSEN_000243]				
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4	542 7/25/2023 Responsible Social Gameplay Policy	Disputed	Disputed	FRE 401, 402, 801, 802, F	
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7	543 7/29/2023 Zendesk Ticket #501440 re “Casino” [HIGH5_151603]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
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10	544 10/6/2023 Plaintiff's Objections and Responses to Defendant High 5 Games, LLC's First Set of Interrogatories to Plaintiff Rick Larsen	Stipulated	Disputed	FRE 401, 402	
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13	545 2/9/2024 Declaration of Shawn Davis	Stipulated	Stipulated		
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16	546 2/16/2024 Supplemental Declaration of Shawn Davis	Stipulated	Disputed	FRE 401, 402	
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19	547 2/22/2024 Zendesk Ticket #593409 [HIGH5_151567]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
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22	548 4/19/2024 Plaintiff's Objections and Responses to Defendant High 5 Entertainment LLC's First set of Interrogatories to Plaintiff Rick Larsen	Stipulated	Disputed	FRE 401, 402	
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25	549 5/7/2024 Defendant High 5 Entertainment LLC's Supplemental Responses to Plaintiff's First Set of Requests for Production	Stipulated	Disputed	FRE 401, 402, 801, 802	

1	550	5/8/2024 Second Supplemental Declaration of Shawn Davis	Stipulated	Disputed	FRE 401, 402	
2	551	IP Address Spreadsheet (HIGH5_03862058)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
3	552	IP Address Spreadsheet (HIGH5_03862059)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	553	IP Address Spreadsheet (HIGH5_03862060)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	554	IP Address Spreadsheet (HIGH5_03862061)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
6	555	IP Address Spreadsheet (HIGH5_03862062)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
7	556	IP Address Spreadsheet (HIGH5_03862063)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	557	IP Address Spreadsheet (HIGH5_03862064)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
9	558	IP Address Spreadsheet (HIGH5_03862065)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
10	559	IP Address Spreadsheet (HIGH5_03862066)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
11	560	IP Address Spreadsheet (HIGH5_03862067)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
12	561	IP Address Spreadsheet	Disputed	Disputed	FRE 401, 402, 801, 802, F	

1	(HIGH5_03862068)				
2	562 IP Address Spreadsheet (HIGH5_03862069)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
3	563 IP Address Spreadsheet (HIGH5_03862070)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	564 IP Address Spreadsheet (HIGH5_03862071)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	565 IP Address Spreadsheet (HIGH5_03862072)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
6	566 IP Address Spreadsheet (HIGH5_03862073)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
7	567 IP Address Spreadsheet (HIGH5_03862074)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	568 IP Address Spreadsheet (HIGH5_03862075)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
9	569 IP Address Spreadsheet (HIGH5_03862076)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
10	570 IP Address Spreadsheet (HIGH5_03862077)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
11	571 IP Address Spreadsheet (HIGH5_03862078)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
12	572 IP Address Spreadsheet (HIGH5_03862079)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
13	573 IP Address Spreadsheet	Disputed	Disputed	FRE 401, 402, 801, 802, F	
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1	(HIGH5_03862080)				
2	574 IP Address Spreadsheet (HIGH5_03862081)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
3	575 IP Address Spreadsheet (HIGH5_03862082)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
4	576 IP Address Spreadsheet (HIGH5_03862083)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
5	577 IP Address Spreadsheet (HIGH5_03862084)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
6	578 IP Address Spreadsheet (HIGH5_03862085)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
7	579 IP Address Spreadsheet (HIGH5_03862086)	Disputed	Disputed	FRE 401, 402, 801, 802, F	
8	580 5/24/2024 Expert Report of Shawn Davis	Stipulated	Stipulated		
9	581 5/24/2024 Shawn Davis CV	Stipulated	Stipulated		
10	582 Sean Wilson User Profile [HIGH5_000001 – HIGH5_000007]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
11	583 Spreadsheet of Sean Wilson's accessed lobby spins in High 5 Casino games [HIGH5_000014]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
12	584 Spreadsheet of Sean Wilson's spins [HIGH5_000016]	Disputed	Disputed	FRE 401M 402, 801, 802, F	

1	585	Sean Wilson's LinkedIn page	Disputed	Disputed	FRE 401, 402, 801, 802, F	
2	586	Rick Larsen Payment History [LARSEN_000003 – LARSEN_000233]	Stipulated	Stipulated		
3	587	High 5 Games LLC's Terms of Use [HIGH5_000029 – HIGH5_000034]	Disputed	Disputed	FRE 401, 402, 801, 802	
4	588	High 5 Casino website - Unable to Login [LARSEN_000001]	Stipulated	Disputed	FRE 401, 402	
5	589	Rick Larsen bank statements - Payments made to Facebook [LARSEN_000234 – LARSEN_000235]	Stipulated	Stipulated		
6	590	Rick Larsen User Profile [HIGH5_151083 – HIGH5_151087]	Stipulated	Stipulated		
7	591	Rick Larsen High 5 Purchases [HIGH5_04016766]	Stipulated as to PDF provided	Stipulated as to PDF provided		
8	592	Rick Larsen Transaction History (redacted version) [LARSEN_000285 – LARSEN_000462]	Stipulated	Stipulated		
9	593	Screenshot of High 5 Casino player registration page showing Washington removed from drop down menu [HIGH5_151213]	Disputed	Disputed	FRE 401, 402, 801, 802, F	
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1	594	High 5 Casino Screenshot	Disputed	Disputed	FRE 401, 402, F	
2	595	High 5 Vegas Screenshot	Disputed	Disputed	FRE 401, 402, F	
3	596	Double Da Vinci Diamonds Screenshot	Disputed	Disputed	FRE 401, 402, F	
4	597	High 5 Games' Game Library	Disputed	Disputed	FRE 401, 402, F	
5	598	Screenshot of Double DaVinci Diamonds game in Demo Play Mode	Disputed	Disputed	FRE 401, 402, F	
6	599	Screenshot of App in Demo Play	Disputed	Disputed	FRE 401, 402, F	
7	600	Screenshot of "Golden Peony" game in "Demo Play" mode	Disputed	Disputed	FRE 401, 402, F	
8	601	IP Data Spreadsheet	Disputed	Disputed	FRE 401, 402, 602, 801, 802, E, F,	
9	602	High 5's FAQ webpage "How do I get free coins"	Disputed	Disputed	FRE 401, 402, 801, 802, F	
10	603	High 5's FAQ webpage "Daily Bonus"	Disputed	Disputed	FRE 401, 402, 801, 802, F	
11	604	High 5's FAQ webpage "Is there a reward for playing every day?"	Disputed	Disputed	FRE 401, 402, 801, 802, F	
12	605	High 5's FAQ webpage "Daily Wheel"	Disputed	Disputed	FRE 401, 402, 801, 802, F	
13	606	High 5's FAQ webpage "Can I play any of the casinos for real money?"	Disputed	Disputed	FRE 401, 402, 801, 802, F	
14	607	Sean Wilson's Spin History	Disputed	Disputed	FRE 401, 402, 403, 801, 802, F	

608	Apple Billing Reports [HIGH5_03245487 – HIGH5_03245488]	Disputed	Disputed	Illegible, FRE 401, 402, 801 802	
609	Amazon – Apple – Google – Facebook Earnings 2021 [HIGH5_03245489]	Disputed	Disputed	FRE 401, 402, 801 802, F	
610	Amazon – Apple – Google – Facebook Earnings 2022 [HIGH5_03245490]	Disputed	Disputed	FRE 401, 402, 801 802, F	
611	Amazon – Apple – Google – Facebook Earnings 2023 [HIGH5_03245491]	Disputed	Disputed	FRE 401, 402, 801 802, F	
612	Revenue by Product Type - Google [HIGH5_03245492]	Disputed	Disputed	FRE 401, 402, 801 802, F	
613	Meta Remittance [HIGH5_03245493]	Disputed	Disputed	FRE 401, 402, 403, 801, 802, F	
614	4/2/2018 Retention Agreement between Sean Wilson and Edelson PC	Stipulated	Disputed	FRE 401, 402, 403, 801, 802, F	

Statement as to Electronic Format

Defendant plans to present its exhibits in electronic format to the jurors.

The Parties' Objection Code:

E	Exhibit is objectionable because it constitutes attempted expert testimony from a person who was not designated as an expert (Fed. R. Civ. P. 26)
F	Lack of foundation
MIL	Subject of Motion in Limine

In the Authenticity and Admissibility columns, indicate “Stipulated” or “Disputed”. If “Disputed”, identify the objection in the Objection column. An objection based on a Fed. R. Evid. should reference the rule number; additional objections should be referenced by a code that the parties include with the exhibit list. The “Admitted” column is for use by the Court. (No party is required to list any exhibit which is listed by another party, or any exhibit to be used for impeachment only. *See LCR 16 for further explanation of numbering of exhibits.*)

ACTION BY THE COURT

- (a) This case is scheduled for trial before a jury on February 3, 2025, at 9:00 a.m.
- (b) Trial briefs shall be submitted to the court on or before January 13, 2025.
- (c) Jury instructions requested by either party shall be submitted to the court on or before January 13, 2025. Suggested questions of either party to be asked of the jury by the court on voir dire shall also be submitted to the court on or before January 13, 2024.
- (d) (Insert any other ruling made by the court at or before pretrial conference.)

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

Dated this 29th day of January, 2025.



Judge Tiffany M. Cartwright
United States District Judge